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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT ELMER BARBER,
12 Petitioner,

No. CIV-S-04-1844 MCE/PAN P

13 v.

ORDER

14 S. RYAN, Warden,
15 Respondent.
16 _____/

17 On June 9, 2005, petitioner filed a request for
18 reconsideration of the magistrate judge's order filed May 27,
19 2005, vacating the May 26, 2005, order to close this file and
20 directing service of the petition placed in this file December 6,
21 2004. Pursuant to E.D. Local Rule 72-303(f), a magistrate
22 judge's orders shall be upheld unless "clearly erroneous or
23 contrary to law." Upon review of the entire file, the court
24 finds that it does not appear that the magistrate judge's ruling
25 was clearly erroneous or contrary to law.

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1 Insofar as petitioner seeks to substitute Warden S. Ryan as
2 respondent, the request is granted. See Rules Governing § 2254
3 Proceedings, Rule 2(a).

4 Therefore, IT IS HEREBY ORDERED that, upon reconsideration,
5 the order of the magistrate judge filed May 27, 2005, is
6 affirmed.

7 DATE: July 11, 2005

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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